

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DEBRA BUTLER & FRED BUTLER §
§
v. § Case No. 4:07-cv-42-RAS-DDB
§ (Judge Schell/Magistrate Judge Bush)
ROSE AMERICA CORPORATION, §
D/B/A BMB TACK §

AGREED MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE COURT:

Plaintiffs Debra Butler and Fred Butler and Defendant Rose America Corporation respectfully move the Court to dismiss Plaintiffs' claims against Defendant Rose America Corporation In support of this request, they show the Court as follows:

I.

All matters in controversy between Plaintiffs and Defendant have been compromised and resolved. The parties' agreement is not an admission of liability, responsibility or damages. This settlement is between Plaintiffs and Defendant.

II.

The parties move that all claims and causes of action asserted by Plaintiffs against Defendant Rose America be dismissed with prejudice to refiling in any form, with each party to bear their own costs of court.

WHEREFORE, the parties pray that all claims and causes of action asserted by Plaintiffs against Defendant Rose America be dismissed with prejudice, and for all other relief to which they may be entitled.

Respectfully submitted,

s:/E. Thomas Bishop

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CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2007, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Eastern District of Texas, using the electronic case files system of the Court. The electronic case files system sent a "Notice of Electronic Filing" to the following individuals who have consented in writing to accept this Notice as service of this document by electronic means: Michael J. Whitten, The Whitten Law Firm, 218 N. Elm Street, Denton, Texas 76201.

s:/E. Thomas Bishop
E. THOMAS BISHOP